
HOUSE BILL No. 1532

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12; IC 35-47-4.5-3.

Synopsis: Community corrections officers. Requires the department of correction to establish educational, occupational, and salary requirements for community corrections field officers. Establishes the duties of a community corrections field officer. Includes community corrections field officer in the definition of public safety officer for purposes of the law concerning regulation of laser pointers.

Effective: July 1, 2003.

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January 16, 2003, read first time and referred to Committee on Human Affairs.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1532

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-12-2-3.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.5. (a) The director,
3 if any, of the community corrections program shall be appointed by the
4 community corrections advisory board, subject to the approval of the
5 county executive or, in a county having a consolidated city, by the
6 city-county council. A director may be removed for cause by a majority
7 vote of the community corrections advisory board, subject to the
8 approval of the county executive or, in a county having a consolidated
9 city, of the city-county council.
10 (b) The community corrections advisory board may establish
11 personnel policies, procedures, and salary classification schedules for
12 its employees. Employees of a community corrections program are
13 county employees. **Except for those applying to community**
14 **corrections field officers who are subject to IC 11-12-11,** the
15 policies, procedures, and schedules established under this subsection
16 may not be inconsistent with those established for other county
17 employees.

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SECTION 2. IC 11-12-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The department shall do the following:

(1) Provide consultation and technical assistance to counties to aid in the development of community corrections plans.

(2) Provide training for community corrections personnel and board members to the extent funds are available.

(3) Adopt under IC 4-22-2 rules governing application by counties for financial aid under this chapter, including the content of community corrections plans.

(4) Adopt under IC 4-22-2 rules governing the disbursement of monies to a county and the county's certification of expenditures.

(5) Adopt under IC 4-22-2 minimum standards for the establishment, operation, and evaluation of programs receiving financial aid under this chapter. (These standards must be sufficiently flexible to foster the development of new and improved correctional practices.)

(6) Examine and either approve or disapprove applications for financial aid. The department's approval or disapproval must be based on this chapter and the rules adopted under this chapter.

(7) Keep the budget agency informed of the amount of appropriation needed to adequately fund programs under this chapter.

(8) Adopt under IC 4-22-2 a formula or other method of determining a participating county's share of funds appropriated for purposes of this chapter. This formula or method must be approved by the budget agency before the formula is adopted and must be designed to accurately reflect a county's correctional needs and ability to pay.

(9) Keep counties informed of money appropriated for the purposes of this chapter.

~~(10) Provide an approved training curriculum for community corrections field officers.~~

(b) The commissioner may do the following:

(1) Visit and inspect any program receiving financial aid under this chapter.

(2) Require a participating county or program to submit information or statistics pertinent to the review of applications and programs.

(3) Expend up to three percent (3%) of the money appropriated to the department for community correction grants to provide technical assistance, consultation, and training to counties and to

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monitor and evaluate program delivery.

(c) Notwithstanding any law prohibiting advance payments, the department of correction may advance grant money to a county or group of counties in order to assist a community corrections program. However, not more than twenty-five percent (25%) of the amount awarded to a county or group of counties may be paid in advance.

(d) The commissioner shall disburse no more funds to any county under this chapter than are required to fund the community corrections plan.

SECTION 3. IC 11-12-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 11. Community Corrections Field Officers

Sec. 1. (a) A community corrections field officer shall do the following:

(1) Assist a court in making the determination whether to place a person in a community corrections program (as defined in IC 11-12-1-1) as a condition of pretrial release.

(2) Assist a court, a prosecuting attorney, and other law enforcement officials in making decisions regarding the diversion of a person charged with a criminal or delinquent act to a community corrections program.

(3) Supervise and assist a person in a community corrections program consistent with conditions imposed by the court.

(4) Bring to a court's attention a modification in the conditions of a person's community corrections placement.

(5) Notify the court when a person violates a condition of a community corrections placement.

(6) Keep accurate records of each case and make the records available to a court upon request.

(7) Supervise a person from a sending state as ordered by a court under IC 11-12-8.

(8) Testify or assist the court in a proceeding under IC 11-12-9.

(9) Perform other duties required by law or as directed by a court.

(b) A community corrections field officer may take into custody and detain a person:

(1) who is in a community corrections program;

(2) who is supervised by the community corrections field officer;

(3) who is a public safety or flight risk; and

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(4) who community corrections field officer has probable cause to believe violated a term or condition of the person's community corrections program.

The community corrections officer shall transfer custody of the detained person to the county sheriff and immediately notify the supervising court of the violation and detention.

Sec. 2. A community corrections field officer may not carry a handgun (as defined in IC 35-47-1-6) while acting in the scope of employment unless all of the following conditions are met:

(1) The circuit court of the county in which the community corrections field officer is employed enters an order authorizing the field officer to carry the handgun while on duty.

(2) The community corrections field officer is issued a license to carry the handgun under IC 35-47-2.

(3) The community corrections field officer successfully completes a handgun safety course certified by the law enforcement training board under IC 5-2-1-9(m).

Sec. 3. The provisions of IC 34-13-3 apply whenever:

(1) a governmental entity or its employee is sued for civil damages; and

(2) the civil action arises out of an act within the scope of a community corrections field officer's employment or duties.

Sec. 4. The department shall adopt rules under IC 4-22-2 prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a community corrections field officer; and

(2) compensation of community corrections field officers.

The department shall establish an effective date for the minimum standards established under this section. The minimum standards established by this section do not apply to a community corrections field officer hired before the date on which the rules are adopted by the department under this section.

Sec. 5. The department may arrange conferences or workshops for community corrections field officers to enhance knowledge about and improve the delivery of community corrections services.

SECTION 4. IC 35-47-4.5-3, AS ADDED BY P.L.70-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As used in this chapter, "public safety officer" means:

(1) a state police officer;

(2) a county sheriff;



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- 1 (3) a county police officer;
- 2 (4) a correctional officer;
- 3 (5) an excise police officer;
- 4 (6) a county police reserve officer;
- 5 (7) a city police officer;
- 6 (8) a city police reserve officer;
- 7 (9) a conservation enforcement officer;
- 8 (10) a town marshal;
- 9 (11) a deputy town marshal;
- 10 (12) a state university police officer appointed under
- 11 IC 20-12-3.5;
- 12 (13) a probation officer;
- 13 (14) a firefighter (as defined in IC 9-18-34-1);
- 14 (15) an emergency medical technician; ~~or~~
- 15 (16) a paramedic; **or**
- 16 **(17) a community corrections field officer.**

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